

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1443

IN THE MATTER OF:

Application of WEBB)
TOURS, INC., for)
Temporary Authority)
to Perform Special)
Operations)

Served July 21, 1975

Application No. 869

By Application No. 869, filed July 10, 1975, Webb Tours, Inc. (Webb) seeks temporary authority pursuant to Title II, Article XII, Section 4(d)(3) of the Compact, to transport passengers, over irregular routes, in special operations, within a limited portion of the Metropolitan District. The proposed service area would be (A) downtown Washington, D. C., embracing the Kennedy Center for the Performing Arts, Capitol Hill, The Mall, and Embassy Row and (B) Arlington County, Va., to the extent of Arlington National Cemetery and Iwo Jima Memorial.

Webb would provide three "Spirit of 76 Tours". The morning tour would include downtown Washington, D. C., plus visits inside the Capitol, the White House (when possible), and the Smithsonian Institution's History and Technology Building. The afternoon tour would involve a riding tour of the monuments, The Mall, Capitol Hill, Embassy Row, Pennsylvania Avenue, the Iwo Jima Memorial and a stop at the Kennedy gravesites in Arlington National Cemetery. The evening tour normally would consist of a riding tour of the monuments, buildings, reflecting pools, Arlington National Cemetery and a stop at the Kennedy Center for the Performing Arts. Twice each week the evening tour also would include dinner at the Piccadilly Restaurant and Pub.

Webb's proposed rates vary depending upon the tour and a combination of tours. Any regular tour would be \$9 for an adult and \$4.50 for a person age 15 and under, except that a person age 2 and under would not be charged. Any two regular tours on the same day would be \$15 for an adult and \$7.50 for a person age 15 and under, except that a person age 2 and under would not be charged. The special dinner-evening tour would be \$15 for an adult, \$10.50 for a person age 15 or under, except that a person age 2 and under would not be charged. The special dinner-evening tour in combination with a regular tour would be \$21 for an adult, \$13.50 for a person age 15 and under, except that a person age 2 and under would not be charged.

The proposed service normally would depart from Rosslyn, Va., the Watergate complex or K Street at 16th Street, N. W., in Washington, D. C. On Monday and Thursday evening, the tour also would depart from 5510 Connecticut Avenue, N. W., Washington, D. C. The scheduled times of service vary throughout the week.

Webb has acquired a 53 -passenger double-deck 1952 model diesel-powered Leyland London Transport bus. The vehicle is painted red, white and blue and is marked "Spirit of 76 Tours". It is operated by a licensed Tour Guide. The drivers and hostesses are uniformed in special Revolutionary-period costumes. The vehicle is stored and maintained under an agreement with D. C. Transit System, Inc., which also would provide a replacement vehicle if required, according to Webb.

Under Title II, Article XII, Section 4(d)(3) of the Compact, the Commission must base any decision to grant temporary authority to provide a specific service upon the findings that there is an immediate and urgent need to a point or points within a territory and that there is no carrier service capable of meeting such need. So finding, the Commission may, in its discretion and without hearings or other proceedings, grant temporary authority.

Webb submits that it has made a significant investment in the acquisition of physical equipment and in the creation of a management and promotion system in order to create Spirit of 76 Tours. The program is designed to provide a service in the Washington, D. C., area during the bicentennial era, especially during the years 1975 and 1976.

Webb states that there is an immediate service need on the part of Washington area visitors for this kind of service. Moreover, Webb clearly states that it has an immediate economic need to proceed with the program as a result of the significant investment of funds, time and effort in accomplishing the reality of Spirit of 76 Tours. Finally, Webb submits that its failure to seek authorization from this Commission prior to commencing operations was not intentional. Webb indicates that it did not know that certification was required.

This Commission does not condone operations performed in violation of the provisions of the Compact. Such operations trigger consideration of the carrier's fitness. With respect to the question of fitness, the Commission weighs the entire circumstances which result in the issue being presented for determination. The Commission does not believe that investment in equipment justifies a finding that a carrier is not unfit.

Webb stated that the vehicle was inspected and licensed by the District of Columbia Department of Motor Vehicles. Webb received a bus license from the Washington, D. C., Public Service Commission and has been issued insurance certification. At no time was Webb advised to contact this Commission. Upon receipt of a letter from the Commission advising Webb of the Commission's jurisdiction, the temporary authority application was filed. Webb has indicated a willingness and desire to comport itself properly in the future. Accordingly, the Commission believes that Webb's unauthorized operations do not constitute, in this particular case, a substantial or willful violation of the Compact provisions and that, in the future, Webb would conform to the provisions of the Compact and rules, regulations, and requirements of the Commission thereunder.

The Commission believes that Webb should be granted temporary authority. Moreover, it should be emphasized that such temporary authorization creates no presumption that corresponding permanent authority will be granted. See Compact, Title II, Article XII, Section 4(d)(3).

THEREFORE, IT IS ORDERED:

1. That Application No. 869 of Webb Tours, Inc., be, and it is hereby, granted.

2. That Webb Tours, Inc., be, and it is hereby, granted temporary authority to transport passengers, over irregular routes, located within downtown Washington, D. C., embracing the Kennedy Center for the Performing Arts, Capitol Hill, The Mall, and Embassy Row, Pennsylvania Avenue, and within Arlington County, Va., to the extent of Arlington National Cemetery and Iwo Jima Memorial.

3. That Webb Tours, Inc., be, and it is hereby, required to file forthwith two copies of an appropriate tariff, stating rates as set forth in Application No. 869, pursuant to the temporary authority granted herein, to be effective July 21, 1975.

4. That unless otherwise provided by order of the Commission, the temporary authority granted herein shall become effective Monday, July 21, 1975, and shall remain in effect through Saturday, January 17, 1976.

BY DIRECTION OF THE COMMISSION:



WILLIAM H. MCGILVERY
Acting Executive Director